

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of )

Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

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To: The Commission

PETITION FOR RECONSIDERATION

Family Stations of New Jersey, Inc. ("Family"), licensee of noncommercial Station WFME-TV, Channel 66, West Milford, New Jersey, ("WFME" or the "Station"), by its attorneys, hereby submits this Petition for Reconsideration of the *Sixth Report and Order* in the above-referenced proceeding.<sup>1</sup> Family is a wholly owned, nonprofit subsidiary of Family Stations, Inc., which, among other activities, operates over 40 noncommercial educational radio stations in various communities throughout the United States.

In the *Sixth Report and Order*, the Commission allotted digital Channel 29 to WFME, with a power limitation of 50 kW, an allotment which the Commission concludes will allow Family to continue to provide 100% coverage to its existing service area. Family respectfully objects to the limitation placed on the coverage area of WFME by the 50 kW power level adopted in the *Sixth Report and Order*. Family has pending with the Commission a valid application for minor modification of a construction permit to increase its effective radiated

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<sup>1</sup> *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997).

power to 5,000 kW (FCC File No. BMPET-960612, proposing to modify BPET-860212KJ).<sup>2</sup>

Family respectfully submits that it has a reasonable expectation to duplicate this 5,000 kW facility with its DTV service and that the 50 kW facility adopted by the Commission in its *Sixth Report and Order* is not a reasonable substitute. As the Commission is well aware from prior applications and correspondence concerning WFME, Family has spent many years and a great deal of money to overcome many obstacles in order to activate the Station, including severe limitations on acceptable antenna site locations in northern New Jersey, a very congested broadcast environment. When Family originally constructed the Station, it constructed a modest facility so that Family could begin operating and providing service as soon as it found an acceptable antenna site. It was Family's intention from the beginning to modify the facilities and operate the Station at its full power as originally approved by the Commission.

In the digital table of allotments adopted in the *Sixth Report and Order* the Commission protected all authorizations to modify NTSC existing facilities that had been granted as of the time the *Sixth Report and Order* was adopted, April 3, 1997.<sup>3</sup> Family filed its application for authority to modify its construction permit on June 12, 1996, almost nine months before the Commission released the *Sixth Report and Order*. Had the Commission acted on Family's application within the time frame the Commission typically acts on such applications, Family's upgraded facilities would have been protected when the Commission adopted the allotment table in the *Sixth Report and Order*.

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<sup>2</sup> An application for license for the originally constructed facilities is currently pending with the Commission (FCC File No. 960409KE).

<sup>3</sup> *Sixth Report and Order* at para. 112.

For the above reasons, Family respectfully requests that the Commission reconsider its decision in the *Sixth Report and Order* and modify the digital allotment table in such a way that will permit Family to operate its Station and provide DTV service in a manner that duplicates the service proposed in its pending application.

Respectfully submitted,

**FAMILY STATIONS OF NEW JERSEY, INC.**

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June 13, 1997

**DECLARATION OF MATT TUTER**

I, Matt Tuter, General Manager of Station WFME-TV, West Milford, New Jersey, do hereby certify that I have read the foregoing "Petition for Reconsideration" filed by Family Stations, Inc., licensee of WFME-TV, on this date, and that all the facts stated therein are true and correct to the best of my knowledge, information and belief.



Matt Tuter

Date: 13 June 1997